

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ANTHONY A. LYONS.

Plaintiff,

V.

**COOK COUNTY, ILLINOIS JAIL,
SHERIFF OF COOK COUNTY,
THOMAS DART,**

Defendants.

Case No. 15-cv-04798

Judge Samuel Der-Yeghiayan

JURY DEMANDED

FIRST AMENDED VERIFIED COMPLAINT

Plaintiff Anthony A. Lyons (“Lyons”) through his attorney, Raymond J. Smith of Raymond J. Smith Law Offices, brings this action against Defendants Cook County, Illinois Jail and Sheriff of Cook County, Thomas Dart (“Defendants”), as his First Amended Verified Complaint and pursuant to Fed. R. Civ. P. 15(a) and states as follows:

NATURE OF THE CASE

1. This is an action for statutory and constitutional violations suffered by Plaintiff Lyons as a result of the wrongful acts of the Defendants in exhibiting deliberate indifference to the deplorable and health hazarding living conditions in the County Jail which exacerbated his asthma. Plaintiff Lyons, a pre-trial detainee in Cook County Jail, brings this action pursuant to U.S.C. § 1983 and pursuant to the due process clause of the Fourteenth Amendment of the United States Constitution.

JURISDICTION AND VENUE

2. This Court has jurisdiction over the claims made by Lyons under U.S.C. § 133 (constitutional and federal question jurisdiction) and under 28 U.S.C. § 1343(3) (constitutional and civil rights jurisdiction).

3. Venue is proper in the Northern District of Illinois pursuant to 28 U.S.C. § 1391(b) because the claims arose within the Northern District of Illinois.

THE IDENTITY OF THE PARTIES

4. Lyons is a resident of the City of Chicago, State of Illinois, and is currently a pre-trial detainee confined at the Cook County Jail.

5. Cook County is a municipal government entity located in the State of Illinois. Cook County operates the Cook County Jail at and around 2700 South California Avenue, Chicago, Cook County, Illinois.

6. Sheriff of Cook County, Thomas Dart, is an elected official who provides staffing, cleaning operations, and maintenance services to the Cook County Jail and is named in his individual capacity and his official capacity.

THE OBLIGATIONS AND DUTIES OF THE DEFENDANTS

7. The Defendants, individually and collectively, are responsible for providing sanitary and healthy living conditions to the inmates at Cook County Jail. Lyons was at all relevant times a pre-trial detainee at the Cook County Jail who has asthma and who suffered from the unsanitary, unhealthy living conditions and from a lack of care for his asthma that resulted in his being subject to cruel and unusual punishment in the Cook County Jail.

**THE DEFENDANTS' VIOLATIONS OF 28 U.S.C. § 1983
AND THE EIGHTH AND FOURTEENTH AMENDMENTS**

8. Lyons was put into Division 08-3g of the Cook County Jail on April 18, 2015 and remains on that tier. Lyons from that time to and including the filing of his Complaint has written a number of grievances that included the fact that:

- (a) there is no working of the water fountain in the day room in Division 08-3g, in fact, for the whole building of the Cook County Jail;
- (b) the shower has mold of two kinds which is the regular mold and black mold;
- (c) the sinks that Lyons is forced to use do not get cleaned because of a lack of cleaning supplies;
- (d) there are only five stalls for 39 people and many of these people have medical conditions that Lyons does not know about that can injure the health of Lyons. Because of these living conditions, Lyons has gotten seriously ill on two occasions;
- (e) jail authorities have promised to power wash the tier once a week but have failed to do so;
- (f) the jail has a camera that supposedly runs 24/7 so they know the conditions, but the jail hasn't been cleaned once;
- (g) the sinks in the wash room cannot be used because under state law the sinks are not to be used with PVC plumbing in the City of Chicago;
- (h) other inmates are brushing their teeth, blowing their nose, shaving and doing all kinds of unsanitary things using what is supposed to be fresh drinking water;
- (i) the mold increases Lyons inability to breathe because of his asthma condition; and
- (j) Lyons' asthma condition is not properly treated by the medical staff.

**LYONS FILED ADMINISTRATIVE COMPLAINTS THAT
WERE REJECTED PRIOR TO THE FILING OF THIS LAWSUIT**

9. On May 10, 2015, Lyons filed an Inmate Grievance Response/Appeal Form that addressed the complained of conditions but that Grievance was rejected with the notation from the Cook County Sheriff's Office that "your concerns are being addressed by the sanitation crew." On May 16, 2015, Lyons filed a request for an appeal, and the Sheriff's office responded by stating, "Response stands (a copy of the grievance and appeal are attached hereto as Exhibit 1).

**THE DEFENDANTS' VIOLATIONS OF 28 U.S.C. § 1983
AND THE EIGHTH AND FOURTEENTH AMENDMENTS**

10. On or about April 18, 2015, Lyons was brought to the Cook County jail as a pretrial detainee.

11. Lyons in this First Amended Verified Complaint repeats and adopts the allegations of paragraphs 1 through 10 of his original Complaint in this case, stating that the living conditions provided by the Sheriff of Cook County and the Cook County Jail constitute cruel and unusual punishment and have deprived Lyons of his Constitutional Rights.

DAMAGES TO PLAINTIFF LYONS

12. As a result of the deliberate indifference of the Defendants, Lyons' health, including his asthma condition has worsened

WHEREFORE, Plaintiff Anthony A. Lyons respectfully requests that this Court enter judgment in his favor and against Defendant Cook County, Illinois Jail and Defendant Sheriff of Cook County, Thomas Dart, for compensatory and punitive damages in an amount as is just and proper under the circumstances.

DEMAND FOR JURY TRIAL

Lyons demands a jury trial.

Respectfully submitted,

ANTHONY A. LYONS,

By: /s/ Raymond J. Smith
His Attorney

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VERIFICATION BY CERTIFICATION

Under penalties as provided by law, the undersigned certifies that he has read and reviewed the First Amended Verified Complaint; that the statements set forth in that document are true and correct, except as to any matters stated to be on information and belief, and as to such matters, the undersigned certifies that he believes the same to be true and correct.



Anthony A. Lyons

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that on June 20, 2016, he caused the foregoing **FIRST AMENDED VERIFIED COMPLAINT** to be electronically filed with the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division, using the Court's CM/ECF system, which shall send notice of this filing to all counsel of record.

/s/ Raymond J. Smith